

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GARY HARPER,

Plaintiff,

v.

BOARD OF PRISON COMMISSIONERS et  
al.,

Defendants.

3:13-cv-644-MMD-WGC

**ORDER**

**I. DISCUSSION**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court's February 20, 2014 screening order, the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 4 at 5). The screening order also imposed a 90-day stay and the Court entered a subsequent order in which the parties were encouraged to engage in informal settlement discussions. (ECF No. 4, 6). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 10).

Pursuant to this Court's last order, Plaintiff has resubmitted his application to proceed *in forma pauperis*.<sup>1</sup> (ECF No. 12, 13). Based on the financial information provided, the Court

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<sup>1</sup> On May 15, 2014, this Court issued an order directing Plaintiff to submit an application to proceed *in forma pauperis* by a non-prisoner. (ECF No. 12 at 2). Plaintiff submitted a new application to proceed *in forma pauperis* on the form for prisoners but updated his current

1 grants Plaintiff's application to proceed *in forma pauperis*.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*  
4 *forma pauperis* (ECF No. 13) is GRANTED.

5 IT IS FURTHER ORDERED that the movant herein is permitted to maintain this action  
6 to conclusion without the necessity of prepayment of any additional fees or costs or the giving  
7 of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend  
8 to the issuance of subpoenas at government expense.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically **SERVE** a  
10 copy of this order and a copy of Plaintiff's complaint (ECF No. 5) on the Office of the Attorney  
11 General of the State of Nevada, attention Kat Howe.

12 IT IS FURTHER ORDERED that subject to the findings of the screening order (ECF  
13 No. 4), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's  
14 Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for  
15 whom it accepts service; (b) the names of the defendants for whom it does not accept service,  
16 and (c) the names of the defendants for whom it is filing last-known-address information under  
17 seal. As to any of the named defendants for which the Attorney General's Office cannot  
18 accept service, the Office shall file, *under seal*, the last known address(es) of those  
19 defendant(s) for whom it has such information.

20 IT IS FURTHER ORDERED that if service cannot be accepted for any of the named  
21 defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s), requesting  
22 issuance of a summons, and specifying a full name and address for the defendant(s). For the  
23 defendant(s) as to which the Attorney General has not provided last-known-address  
24 information, Plaintiff shall provide the full name and address for the defendant(s).

25 IT IS FURTHER ORDERED that if the Attorney General accepts service of process for  
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28 financial information. (ECF No. 13). The Court finds that Plaintiff substantially complied with  
this Court's order to file an application to proceed *in forma pauperis* for non-prisoners and now  
grants the motion.

1 any named defendant(s), such defendant(s) shall file and serve an answer or other response  
2 to the complaint within **sixty (60) days** from the date of this order.

3 IT IS FURTHER ORDERED that, henceforth, Plaintiff shall serve upon defendant(s) or,  
4 if an appearance has been entered by counsel, upon their attorney(s), a copy of every  
5 pleading, motion or other document submitted for consideration by the Court. Plaintiff shall  
6 include with the original paper submitted for filing a certificate stating the date that a true and  
7 correct copy of the document was mailed to the defendants or counsel for the defendants. If  
8 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual  
9 attorney named in the notice of appearance, at the address stated therein. The Court may  
10 disregard any paper received by a district judge or magistrate judge which has not been filed  
11 with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which  
12 fails to include a certificate showing proper service.

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14 DATED: This 16th day of June, 2014.

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18 United States Magistrate Judge  
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